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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/613,615	07/11/2000	Cheryl L. Neofytides	10722-32691	1081

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EXAMINER

GART, MATTHEW S

ART UNIT PAPER NUMBER

3625

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/613,615

Applicant(s)

NEOFYTIDES ET AL.

Examiner

Matthew s Gart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-37 and 39-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30-37 and 39-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In view of the Appeal Brief filed on 6/27/2003, PROSECUTION IS HEREBY REOPENED. A new grounds for rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claims 30-37 and 39-51 are pending in the instant application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 30-37, 39-46 and 50-51 are rejected under 35 U.S.C. 102(a) as based upon a public use of the Invention (Paypal) as illustrated via the following articles.

PTO-892, Ref U: "You've Got Money!" Rene Wijnen, Bank Technology News, New York, June 2000, Vol. 13, Issue 6, pg. 1

PTO-892, Ref V: "Beaming Money by Email is Web's Next Killer App," PR Newswire, New York, November 16, 1999, pg. 1

Referring to claim 30. Paypal discloses a computer-implemented method for enabling a transfer of funds through a computer network between a first party registered with a computer server of the computer network and a second party not previously registered with the computer server, comprising the steps of:

- Receiving from the first party payment instructions comprising a payment amount and an email address of the second party (Ref U: paragraph 8-9);

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- Sending to the email address of the second party an email containing directions for receiving the payment amount (Ref U: paragraph 8-9); and
- If the directions are followed, transferring the payment amount to the second party (Ref U: paragraph 8-9).

Referring to claim 31. Paypal discloses a method wherein the payment instructions further comprise an identification of a payment source from which the payment amount is withdrawn (Ref U: paragraph 8).

Referring to claim 32. Paypal discloses a method wherein the payment amount is withdrawn from the identified payment source (Ref U: paragraph 8).

Referring to claim 33. Paypal discloses a method comprising verifying availability of the payment amount from the identified source (Ref U: paragraph 8).

Referring to claim 34. Paypal discloses a method wherein the payment source is a bank account (Ref U: paragraph 8, "If the accountholder doesn't have enough money in his online account, the balance is deducted from the credit card or bank account provided during the initial registration.").

Referring to claim 35. Paypal discloses a method wherein the payment source is a credit card account (Ref U: paragraph 8, "If the accountholder doesn't have enough money in his online account, the balance is deducted from the credit card or bank account provided during the initial registration.").

Referring to claim 36. Paypal discloses a method wherein the payment source is a stored value account (Ref U: paragraph 8, "If the accountholder doesn't have enough

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money in his online account [stored value account], the balance is deducted from the credit card or bank account provided during the initial registration.”).

Referring to claim 37. Paypal discloses a method wherein the payment source is a default payment source selected by the first party prior to receiving the payment instructions (Ref U: paragraph 8, “If the accountholder doesn’t have enough money in his online account [default payment source], the balance is deducted from the credit card or bank account provided during the initial registration.”).

Referring to claim 39. Paypal discloses a method wherein the directions for receiving the payment amount include a hyperlink to a web site maintained by the computer server (Ref V: paragraph 7, “If the recipient is not yet a Paypal user, he or she simply registers on the Paypal.com site after receiving an email notification, and is immediately credited with the amount in the new account.”).

Referring to claim 40. Paypal discloses a method wherein the directions for receiving the payment amount includes a requirement that the second party register with the computer server (Ref V: paragraph 7).

Referring to claim 41. Paypal discloses a method wherein the step of transferring the payment amount further comprises receiving transfer instructions from the second party (Ref U: paragraph 8).

Referring to claim 42. Paypal discloses a method wherein the step of transferring the payment amount further comprises depositing the payment amount into an account of the second party (Ref V: paragraph 7, “Funds may be withdrawn at any time by electronic transfer to a bank account or a personal check from Paypal.com.”).

Referring to claim 43. Paypal discloses a method wherein the account of the second party is a bank account (Ref U: paragraph 9).

Referring to claim 44. Paypal discloses a method wherein the account of the second party is a credit card amount (Ref U: paragraph 9).

Referring to claim 45. Paypal discloses a method wherein the account of the second party is a stored value account (Ref U: paragraph 9).

Referring to claim 46. Paypal discloses a method wherein the payment instructions further comprise a question to be posed to the second party and a corresponding correct answer and wherein the directions for receiving the payment amount require the second party to supply the correct answer to the question posed (Ref U: paragraph 2).

If the recipient is not yet a Paypal user, he or she simply registers on the Paypal.com site after receiving an email notification, and is immediately credited with the amount in the new account (Ref V: paragraph 2). The receiver must fill out a form (answering questions, i.e. Name, Address, Financial Info.) attached to the payment to access the money already waiting in a Paypal account in the receiver's name.

Referring to claim 50. Paypal discloses a method wherein at least one of the first and second parties is an individual (Ref U: paragraph 4).

Referring to claim 51. Paypal discloses a method wherein at least one of the first and second parties is a business (Ref V: paragraph 5, "Similarly, merchants will be able to receive money at all times without having to be linked to a credit-card service.").

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 47-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over a public use of Paypal in view of Bills.com (PTO-892, Ref W).

Referring to claims 47-49. Paypal does not expressly disclose a method wherein the payment instructions further comprise a plurality of future dates upon which the payment amount is to be transferred wherein the plurality of future dates are periodic. Bills.com discloses a method wherein the payment instructions further comprise a plurality of future dates upon which the payment amount is to be transferred wherein the plurality of future dates are periodic. Central to Bills.com's convenience is the ability for consumers to pay any bill they receive on a recurring basis; eliminate the time and hassle of writing paper checks, buying stamps and mailing bills; automate regular payments; monitor unpaid bills; view payment schedules; and set reminders to ensure bills are always paid on time. Consumers can pay any bill, whether or not it is delivered electronically, as well as pay family or friends through CheckFree's "pay everyone" capabilities (Ref W: page 2).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of Paypal to have included the

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teachings of Bills.com as discussed above in order to consolidate everything a consumer needs to manage all their bills (Ref W: page 1).

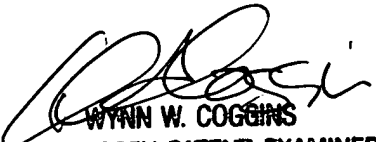
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew s Gart whose telephone number is 703-305-5355. The examiner can normally be reached on 8:30AM to 5:00PM m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MSG
Patent Examiner
December 28, 2004


WYNN W. COGGINS
SUPERVISORY PATENT EXAMINER
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